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October 18, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: AT&T Wireless Services, Inc. Interim Report

*In the Matter of Revision of the Commission's Rules to Ensure
Compatibility With Enhanced 911 Emergency Calling Systems
CC Docket No. 94-102*

Dear Ms. Dortch:

As required by Paragraph 16 of its *TDMA Consent Decree*, AT&T Wireless Services, Inc. ("AWS") is submitting this interim report to advise the Commission of certain events that may affect AWS' ability to proceed with testing and deployment of its Phase II E911 service.^{1/}

Specifically, despite Qwest's recent statements to the Commission that its ALI interface would be available for launch of live E911 service in mid-September 2002, it now appears unlikely that Qwest will be able to test and deploy its ALI interface and database services so as to permit AWS to complete its Phase II E911 testing and deployment activities before the end of the year. While the readiness of all ILECs to commence service is proving to be a problem across the country, the status of Qwest's ALI service is of crucial importance because AWS previously selected Portland, Oregon, which is within Qwest's territory, as the market in which to perform its First Office Application ("FOA") to test Phase II E911 service on both its Nortel TDMA and Nokia GSM networks.

^{1/} *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order, FCC 02-174, ¶ 16 (rel. June 18, 2002) ("*TDMA Consent Decree*").

Background

In its August 1, 2002 Quarterly Report, AWS explained that it had obtained information from Intrado, AWS' vendor of mobile positioning center ("MPC") and wireless ALI services, indicating that ALI database interfaces provided by certain ILECs might not be available in time to test the interfaces as required to implement end-to-end Phase II E911 service to requesting PSAPs by December 31, 2002.^{2/} AWS stated that, as a result, PSAPs served by these ILECs might not be able to receive Phase II E911 service from AWS by December 31, 2002. AWS also explained that, for it to be able to comply with the deployment milestones in the *TDMA Consent Decree*, ILECs must upgrade their ALI interfaces to support Phase II E911 service as soon as possible but no later than October 1, 2002. AWS noted that three months would be necessary to allow AWS' vendors to order facilities, test the interfaces, complete interoperability testing with the ILECs and PSAPs, and take any other steps necessary for AWS to complete its Phase II E911 service responsibilities to PSAPs at a minimum of 2,000 cell sites by December 31, 2002.^{3/}

While several ILECs appear to be experiencing difficulties with their ability to launch ALI service in the near term or otherwise support Phase II E911 deployments^{4/}, AWS is especially concerned about Qwest's readiness because AWS already has committed significant resources and time to its scheduled FOA and launch in Portland, Oregon. Thus far, AWS has invested almost \$6,000,000 in conducting site surveys, acquiring sites, and reviewing zoning and leasing issues for 224 sites. It also has made civil modifications to, and purchased, installed, and integrated E911 equipment at, many of these sites. AWS had planned to begin interoperability testing and Phase II E911 deployment activities with Qwest during the month of September.

^{2/} *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, AT&T Wireless Services, Inc. Quarterly Report, at 3 (filed August 1, 2002).

^{3/} Paragraph 12(a)(2) of the *TDMA Consent Decree* requires AWS "[t]o deploy a Phase II compliant technology at a minimum of 2,000 cell sites and provide Phase II service at all these sites by December 31, 2002." By that date, AWS will have made all elements of Phase II E911 carrier-provided hardware and software operational and connected those elements to the required third-party database provider (Intrado) for no fewer than 2,000 cell sites in its TDMA network. Subject to PSAP and ILEC implementation challenges, such as are noted in this interim report, AWS and Intrado also will be prepared to deliver the Phase II E911 caller's location information to the PSAPs associated with those 2,000 or more cell sites.

^{4/} AWS is collecting information regarding these difficulties and their impact on AWS' Phase II E911 deployments. Once these analyses are completed, AWS will be sharing its concerns with the Commission in future filings.

Discussion

In recent correspondence with the Commission, Qwest asserted that its interfaces would be available for the launch of live Phase II E911 service to customers in sufficient time for AWS to adhere to its Portland schedules. Specifically, on August 28, 2002, Qwest responded to a letter from Wireless Telecommunications Bureau Chief Thomas Sugrue by stating that all necessary hardware and software upgrades for Phase II service had been completed by the beginning of the Third Quarter, 2002.^{5/} It also said that the E2 Plus interface testing was available as of April 2002, and promised that “[t]he E2 Plus interface will be available for launch to PSAPs, third-party vendors and wireless carriers by mid-September, 2002.”^{6/} Finally, Qwest implied that it had a cost recovery mechanism in place and would be marketing new ALI feature and connectivity products to PSAPs and MPC providers through Individual Case Basis (ICB) pricing.^{7/}

Notwithstanding these pledges to the Commission, it has become clear that Qwest will not even be ready for interface testing in the near term.^{8/} This delay appears to be a result of Qwest’s failure to establish a mechanism to recover its costs associated with supporting Phase II E911 service. Moreover, Qwest has also failed to follow through on its previous plans to release its charges to PSAPs for Phase II E911 service support by September 1, 2002. In fact, rather than making ICB pricing available as it had originally indicated, Qwest now plans to file state tariffs – it says, by mid-October – to recover both Phase I and Phase II E911 support costs.^{9/} Although the status of a third party’s cost recovery mechanism would not necessarily be of concern to AWS, in this case, Qwest has refused to provide any further Phase I or Phase II services in Oregon until (1) its tariffs are filed, (2) it has waited the requisite 30 days required under Oregon Commission rules, *and* (3) it has obtained approval of the tariffed costs from the Oregon Emergency Management (“OEM”) office and the affected wireless carriers. Thus, Qwest’s failure to produce its cost information and to determine how it will address its

^{5/} Letter to Marlene H. Dortch, Secretary, FCC, from Kathryn Marie Krause, Senior Attorney, Qwest, CC Docket No. 94-102, Attachment at 1 (Response to Question 1.e.i)(filed Aug. 28, 2002).

^{6/} *Id.* (Responses to Questions 1.e.ii, iii)

^{7/} *Id.*, Attachment at 2-3 (Response to Question 4). Notably, in describing its cost recovery arrangements, Qwest was responding not only to a question about how it will recover the costs of upgrades, but also to Mr. Sugrue’s request to “specify whether the mechanism for recovering these costs is currently in place, or, if not, when it will be in place.” *Id.* Thus, it was reasonable for AWS and the Commission to assume that Qwest’s answer that it will provide new ALI products using ICB pricing was intended to mean that it already had a cost recovery mechanism in place.

^{8/} In addition to the E911 services it provides to AWS, Intrado also provides ALI database and other E911 support services to various ILECs, including Qwest. It is AWS’ understanding that Intrado has completed all technical work with Qwest so as to permit Qwest to support Phase II E911 service across the Qwest footprint.

^{9/} Qwest has explained to AWS that it plans to submit separate tariffs in each state in its service area.

own cost recovery is having a cascading effect on the ability of AWS and PSAPs to move forward with their joint testing and the initiation of Phase II E911 service.

Not only is Qwest refusing to provide ALI database and interface services – plainly a crucial component of any Phase II offering – but OEM has indicated that it cannot participate further in AWS’ FOA without knowing the magnitude of the charges it will owe to Qwest.^{10/} Even after Qwest files its tariffs with the Oregon Commission, it is likely that OEM will contest them, causing further delays. Finally, Qwest has stated that it will require an additional thirty days after all tariff issues have been resolved before Phase II E911 implementations can begin.^{11/}

The ongoing inability of the PSAPs and Qwest to participate in AWS’ FOA has placed into jeopardy AWS’ Phase II deployments covering 71 PSAPs and 800 cell sites within the Qwest footprint. Moreover, because Portland was intended to be the initial test market – the *First Office Application* – for Phase II service using AWS’ Nortel switches, Qwest’s actions are likely to delay Phase II E911 deployments involving four additional PSAPs and 90 cell sites outside Qwest’s territory, which utilize the same technology.^{12/}

^{10/} The Qwest/OEM Phase II E911 negotiations are further complicated by an unresolved pricing dispute between those parties regarding Phase I E911 support.

^{11/} AWS has recently learned that OEM and its constituent PSAPs have other, non-ILEC-related concerns regarding certain aspects of Phase II E911 service. While AWS and OEM are continuing to discuss these PSAP concerns, their ultimate resolution is contingent upon the availability of full Phase II E911 support from Qwest.

¹² At cell sites in other states outside of Qwest territory, which do not use the same technology as that used in Portland, AWS’ Phase II E911 deployments generally have been more successful. AWS currently has operational Phase II E911 service or FOAs in four states at almost 150 cell sites. The problems with Qwest, however, continue to escalate; on October 8, 2002, AWS learned that Colorado PSAP authorities will likely contest Qwest’s E911 tariff applications once they are filed in that state. This dispute, should it arise, will likely impact AWS’ Phase II E911 deployments in Colorado. Moreover, as other wireless carriers have informed the Commission, BellSouth’s refusal to complete the delivery of Phase II data unless wireless carriers agree to fund BellSouth’s own ALI upgrade work is jeopardizing AWS’ Phase II E911 service throughout BellSouth territory.

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As required by the *TDMA Consent Decree*, a copy of this interim report is being filed with the Chief of the Enforcement Bureau, the Chief of the Wireless Telecommunications Bureau, and the Executive Directors and Counsels of APCO, NENA, and NASNA, as well as the FCC staff listed below. If you have any questions, please contact the undersigned.

Sincerely,

/s/ Douglas I. Brandon

Douglas I. Brandon

cc: David H. Solomon, Chief, Enforcement Bureau
Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau
John Ramsey, Executive Director, APCO
Robert M. Gurss, Counsel, APCO
Jim Goerke, Executive Director, NENA
James R. Hobson, Counsel, NENA
Evelyn Bailey, President, NASNA
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